

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRADFORD H. BERNSTEIN and MIRA  
BERNSTEIN,

Plaintiffs,

**Docket No.: 07-cv-2991  
(BSJ)(GWG)**

-against-

**NOTICE OF REMOVAL**

FAIRMONT HOTELS & RESORTS (U.S.) INC.,

Defendant.  
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**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Defendant, FAIRMONT HOTELS & RESORTS (U.S.) INC., hereby removes this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

1. A civil action has been brought against Petitioner in the Supreme Court of the State of New York, County of New York, which is entitled Bradford H. Bernstein and Mira Bernstein v. Fairmont Hotels & Resorts (U.S.) INC., under Index Number 102881/07. A copy of the Summons and Complaint is annexed hereto as Exhibit "A". Upon information and belief, defendant FAIRMONT HOTELS & RESORTS (U.S.) INC., received notice of this action no earlier than March 15, 2007.

2. The above described action is one in which the Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court by Petitioner herein pursuant to the provisions of 28 U.S.C. §1332(a)(2) and (c)(1) and 28 U.S.C. §1441, in that it is a civil action between citizens of one state and a corporation which is incorporated and has its principal place of business in a

foreign state. Upon information and belief the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

3. Upon information and belief, at the time of the commencement of this action and at the filing of this Notice of Removal:

- (a) Plaintiffs are citizens of the State of New York, residing in the State of New York, County of Nassau; and
- (b) Defendant FAIRMONT HOTELS & RESORTS (U.S.) INC. is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 650 California St, San Francisco, CA 94108.

4. Plaintiffs seek money damages for personal injuries allegedly resulting from a slip and fall that allegedly took place on December 25, 2006 at Fairmont Mayakoba located in Riviera Maya, Mexico. It is alleged that plaintiff BRADFORD H. BERNSTEIN slipped and fell upon the aforesaid property due to an allegedly dangerous and/or defective condition.

5. Plaintiff BRADFORD H. BERNSTEIN alleges that as a result of this incident he sustained personal injuries. Upon information and belief, the damages claimed are sufficient to meet the jurisdictional minimum amount in controversy.

6. This notice of removal is timely, since it is filed within thirty (30) days of receipt of the Summons and Complaint by the defendant.

7. The defendant will promptly file a copy of this Notice in the Supreme Court of the State of New York, County of New York and will serve a copy of same on the plaintiff in accordance with 28 U.S.C. §1446(d).

**WHEREFORE**, Defendant FAIRMONT HOTELS & RESORTS (U.S.) INC. respectfully requests that the action pending against them in the Supreme Court of the State of New York, County of New York, be removed therefrom to this Court.

Dated: New York, New York  
April 13, 2007

Yours, etc.

STRONGIN ROTHMAN & ABRAMS, LLP

*s/David Abrams*

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